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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 ROBERT KENT SCHMITT,

Case No. 2:17-cv-01349-RFB-PAL

8 Plaintiff,

ORDER

9 v.

10 NANCY A. BERRYHILL, Acting
11 Commissioner of Social Security,

12 Defendant.

13 This matter is before the court on Plaintiff Robert Kent Schmitt's Receipt of Payment (ECF
14 No. 7). On June 21, 2017, the court entered an Order (ECF No. 6) denying Schmitt's Application
15 to Proceed *In Forma Pauperis* (ECF No. 1) without prejudice. The court gave Mr. Schmitt until
16 July 6, 2017, to: (i) file the long form *in forma pauperis* ("IFP") application, or (ii) pay the \$400.00
17 filing fee. He opted to pay the filing fee.

18 On May 19, 2017, a Notice of Appearance (ECF No. 3) was filed by Special Assistant
19 United States Attorney Michael Marriott indicating that he will be appearing as counsel of record
20 in this case. However, summons has not been issued, there is no proof of service of complaint and
21 summons on file, and the notice of appearance does not indicate that the Commissioner has been
22 served, or waived service. Mr. Schmidt filed a letter which the clerk docketed as an Affidavit of
23 Service (ECF No. 4) indicating that he sent "service letters of Complaint" to Defendant, the United
24 States Attorney for the District of Nevada, and Attorney General Jeff Sessions.

25 Accordingly,

26 **IT IS ORDERED:**

27 1. The Clerk of the Court SHALL FILE the Complaint (ECF No. 1-1).
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